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DEPARTMENT FOR AF DAS YAMAMOTO, AF/E, AND DRL:K.GILBRIDE
LONDON, PARIS, ROME FOR AFRICA WATCHER

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TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [KJUS](#) [ET](#)
SUBJECT: TRIAL OF ETHIOPIAN OPPOSITION BEGINS WITH VIDEOS
OF PUBLIC CAMPAIGN SPEECHES

REF: A. ADDIS ABABA 1231 (AND PREVIOUS)

[1](#)B. ADDIS ABABA 49

[1](#)1. (SBU) SUMMARY. Six months after arrest, federal prosecutors began presenting the High Court with evidence it said would substantiate capital charges ranging from treason and attempted genocide against CUD chairman Hailu Shawel and other opposition members, independent journalists, and civil society representatives. The first two weeks of prosecution arguments have been underwhelming: more than 20 hours of seized CUD videotapes have shown public campaign speeches by opposition leaders mobilizing voters to participate in national elections, as well as town hall meetings in which local residents throughout the country discuss a litany of human rights abuses (including detentions, intimidation, and arbitrary killings of opposition supporters by security forces). While showing public criticism of the government's policies, in none of the evidence presented thus far has there been any call for violence or genocide. Notably, much of the video evidence features individuals who are not defendants. Some of the most virulent, anti-government statements are speeches by opposition leaders who have since decided to engage the GOE (e.g., Beyene Petros and Lidetu Ayalew) and who have not been detained or charged with treason. Prosecutors' arguments are perfunctory, with no comments or explanation other than a five-minute introduction before each two-hour-long videotape. Two defense counsels are representing three civil society representatives, but the remainder of nearly 90 defendants, who have chosen not to have counsel, remain unrepresented during proceedings. There is no cross-examination or rebuttal. So far, the court has only watched one-third of the 24 videos prosecutors intend to present; prosecutors have yet to call any of the 367 prosecution witnesses to testify. END SUMMARY.

SECURITY CONCERNS MAY HAVE PROMPTED CHANGE OF VENUE

[1](#)2. (U) The case of "Federal Prosecutors against Hailu Shawel et al" formally began its evidentiary phase on May 8, one week after the court agreed to an amended charge of "attempted genocide" against the defendants (ref A). Nearing the one-year anniversary of disputed parliamentary elections in which Hailu Shawel and other defendants played a prominent role, prosecutors moved the trial's venue from central Addis Ababa (adjacent to Addis Ababa University, where student protests have occurred in the past) to a remote area near

Kaliti prison, where most detainees are currently being held.

One notable exception is CUD secretary-general Muluneh Eyoel, listed sixth on the GOE's original list of 131 defendants, who prison officials acknowledge has been transferred to an isolation cell at Kerchele. Kerchele is the former central prison that was to have been closed last year, so its site could be transferred to the African Union for office space, but which has remained open to house Muluneh as well as 33 other opposition supporters facing similar charges in a separate treason trial. Prison officials acknowledged his separate detention before the High Court, asserting that Muluneh sought to incite other detainees and therefore posed a public hazard.

13. (U) Diplomatic observers have resorted to a rotation to cover what has become daily proceedings; in addition to family members and local print journalists, an independent observer from the American NGO Lawyers Without Borders has also been granted permission to attend the trial, which remains closed to the general public. A human rights attorney from the Paris-based International Federation for Human Rights (FIDH) is also observing the trial for the European Commission, under terms of reference agreed to with the Ethiopian Ministry of Foreign Affairs.

VIDEOS SHOWN WITH NO COMMENTARY OR EXPLANATION

14. (U) Prior to this evidentiary phase, the case had faced several lengthy pre-trial delays, including: a nine-week delay before a bail hearing; and a seven-week hiatus between the denial of bail and the entry of pleas. On May 8, prosecutors announced the submission of 24 videotapes into

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evidence, each approximately two hours long. Following the insistence of defense counsels that any video evidence submitted be shown to defendants and the court, prosecutors decided to show each videotape in its entirety, rather than submit excerpts. The result has been nearly two weeks of daily video screenings of CUD campaign rallies and/or press conferences, with only brief introductory remarks by prosecutors, who simply state that the evidence presented will substantiate the charges made. Once the videotape is played, prosecutors do not explain the events shown, nor do they even identify defendants who appear in the tape; in fact, prosecutors make no remarks at all, other than at the beginning of each day's screening.

CRITICISM OF GOVERNMENT AND HUMAN RIGHTS ABUSES

15. (U) The first video shown as evidence was a 90-minute tape of a December 2004 CUD press conference, opened by Lidetu Ayalew (who has been neither charged nor detained) criticizing Prime Minister Meles Zenawi's proposed five-point peace plan for the Ethiopia-Eritrea border dispute. Defendants Hailu Shawel and mayor-elect Berhanu Nega criticize lack of consultation with parliament or the public prior to the introduction of the peace plan; they also criticize Meles's statement that "any attempt to implement this (boundary commission) decision would lead to conflict," and specifically underscore the need for "a durable peace."

16. (U) The second video featured a 90-minute CUD press conference from January 2005, in which CUD spokesman Seleshi Andange reads a written statement detailing harassment, detention, and arbitrary killing of CUD supporters, as well as voting card irregularities and alleged inaction by the National Electoral Board of Ethiopia to complaints made by the CUD. Defendant Hailu Shawel discusses intimidation of opposition supporters; co-defendant Mesfin Woldemariam complains of opposition supporters "being hit, being imprisoned, and being killed," and states that a people under

an "unjust" government must struggle against it. Comparing the struggle for human rights to that against apartheid, Hailu states, "South Africa struggled between white and black; here the struggle is between racists and the people. The time has come for this government to leave." Hailu then declares that the CUD will not back out of the upcoming May 2005 elections.

17. (U) The third video presented as evidence consisted of a 140-minute tape of a January 2005 rally protesting the five-point peace plan. Performances of traditional songs, dances, and poetry dominate much of the tape; lead defendant Hailu Shawel speaks for only 10 minutes. Hailu criticizes the government for lack of consultation with the public, for dependency on foreign aid, and for ignoring starvation. Selected remarks in Amharic (translated into English by court interpreter) include the following:

- "We must unite to overcome slavery."
- "Just as you overcame fear to come here (i.e., to the public rally), I encourage your friends and family to join you."
- "If the people make peaceful movement, this government will fall in four months' time."
- "We are the ones who can give a solution to the government's inconsistent policies; you should speak out."
- "You should peacefully demonstrate and call for power. We are saying you should go from a backwards system to a progressive one."
- "We cannot rectify the mistakes of this government; we must remove it from power."

DEBATE ON DIALOGUE WITH EPRDF PRESENTED AS EVIDENCE OF TREASON

18. (U) The most recent videos presented as evidence have been tapes of CUD supreme council meetings from September 2005, which prosecutors asserted would show that defendants 1 through 39 (i.e., Hailu Shawel, Yacob Hailemariam, and other CUD senior leadership) were responsible for provoking strikes; ending peaceful negotiations with the ruling EPRDF party; labeling the elections as neither free nor fair;

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advocating political change through violence; and asserting that neither the judiciary nor the National Electoral Board were impartial. In one two-hour long video, mayor-elect Berhanu Nega explains to the CUD council that the EPRDF has presented an eight-point agenda for dialogue with a "take it or leave it attitude" and has refused to entertain any additions to the agenda. The video captures a contentious debate among 43 CUD members over whether to continue dialogue with the government, culminating in a vote in which 32 members voted against continuing dialogue, three voted in favor, and eight abstained. Following the vote, the issue of joining parliament is raised. A majority, including Berhanu Nega, do not want to discuss the issue, but a small minority persists: recommending that the CUD not join parliament, and citing the government's ultimatum regarding the dialogue agenda as evidence the EPRDF is unwilling to enter into a cooperative relationship. Several members speak out on the need to join parliament as the only peaceful, democratic way to move the CUD agenda forward. The meeting concludes with reading a letter from Hailu Shawel, asking that all decision regarding the party's next moves await his return the next day from the United States. CUD members agree to the request and conclude the meeting.

19. (U) A three-hour video presented on May 17 shows a subsequent CUD supreme council meeting in which members debate whether to join parliament. In response to a remark that change can only be brought about by struggle, which could endanger one's life, Hailu Shawel states that the CUD is afraid of firearms, and is capable of a peaceful struggle.

¶10. (U) Notably, in several videos presented as evidence of defendants' guilt, some of the remarks that are the most critical of the government are made by individuals who have not been detained or charged, including: Dr. Merera Gudina; former president of Tigray region and ex-TPLF leader Gebru Asrat; then-UEDF vice chair Beyene Petros; and former president of Ethiopia (and now an independent member of parliament) Negasso Gidada. The vast majority of the approximately 90 defendants do not appear at all in the video evidence presented thus far.

¶11. (U) On May 17, the lead prosecutor complained of a news report on state-run Ethiopian Television that allegedly stated that the video evidence presented so far was not very relevant to the charges, causing a delay of the trial. The presiding judge ordered that a copy of the news broadcast be delivered to him.

¶12. (SBU) COMMENT: Observers from foreign diplomatic missions and NGOs, including ActionAid London (whose country representative is among the three defendants being represented by legal counsel), generally share the observation of state-run Ethiopian Television that the evidence presented thus far has not substantiated the serious capital charges against the nearly 90 defendants. Prosecutors are correct that the videos show opposition leaders and residents criticizing the government, urging its removal, questioning the impartiality of state institutions such as the judiciary and electoral board, and doubting whether the 2005 national elections would be free and fair; however, no advocacy of violence, treason, or genocide, can be found in the evidence presented in nearly three weeks of evidentiary proceedings. In addition to the 24 videotapes, prosecutors have listed documentary evidence and audiotapes (none of which have been presented so far), and could call up to 367 prosecution witnesses. There remains a large body of "evidence" that may or may not back up the government's case; so far, the evidence has not been compelling. END COMMENT.
HUDDLESTON